



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049  
Columbus, OH 43216-1049

November 4, 2008

VOLUNTARY ACTION PROGRAM  
TECHNICAL ASSISTANCE # 06GR054  
AKRON AIRDOCK  
AKRON, OHIO, SUMMIT CO.

Mr. Terrence S. Finn  
Roetzel & Andress, LPA  
222 South Main Street  
Akron, Ohio 44308

Ms. Jennifer J. Krueger, PG  
URS Corp.  
36 East Seventh Street, Suite 2300  
Cincinnati, Ohio 45202

Dear Mr. Finn and Ms. Krueger:

Thank you for coordinating with Ohio EPA's Division of Emergency and Remedial Response, Voluntary Action Program (VAP) and Division of Surface Water (DSW) in your efforts to address the surface water issues related to the Akron Airdock site on behalf of the Summit County Port Authority and Lockheed Martin Corp. I believe that we share the same interests in the completion of the voluntary cleanup so that a No Further Action (NFA) Letter may be issued for the site under the VAP.

This letter serves, however, to emphasize Ohio EPA's concerns in response to our October 29, 2008 conference call and prior communications. On September 4, 2008, Phil Rhodes with DSW provided a letter which discussed the need for submission of an Individual NPDES Permit Application. On September 30, 2008, Vanessa Steigerwald-Dick provided VAP comments on the *Draft Ohio Voluntary Action Program Property-Specific Risk Assessment*. On October 21, 2008, Vanessa provided comments from both VAP and DSW on the *Stormwater Sampling and Analysis Plan* (Stormwater SAP). Various other communications have occurred between the parties to foster resolution of site issues.

While Ohio EPA acknowledges that remedial activities have been performed under the federal PCB remediation program, Ohio EPA has a growing concern regarding the continued lack of surface water or storm water sampling for PCBs. As a result, no data is yet available to assess for PCBs in surface water (or storm water) from the site. As you are aware, weathering of the Robertson Protected Metal (RPM), which was coated with a fire retardant substance containing dry PCBs (Aroclor 1268), lead to PCB releases, namely to soil, storm water catch basins, storm sewers, and sediment in Haley's Ditch. Surface water serves as the main transport mechanism, i.e., due to rain events, for the PCB contamination to emanate from the site.

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

The site is subject to a General NPDES Permit that includes the Akron Airdock parcel along with other adjoining parcels. However, as explained in the September 4, 2008 letter from DSW, an Individual NPDES Permit Application needs to be submitted because the general permit does not cover any PCB discharge. Due to the potential to discharge the PCB contaminated storm water and the lack of sampling data to document removal of PCB contamination, reliance on the general permit is not appropriate. Although the details of the individual permit have not been worked out, the permit's focus will remain on monitoring storm water for PCBs. Ohio EPA has explained the need to include the monitoring locations as proposed in the Stormwater SAP as well as at the (current) outfall to Haley's Ditch.

Ohio EPA VAP and DSW agreed to wait until the storm sewer cleaning was completed before the sampling for PCBs commenced. It was originally scheduled to be completed this summer, but took longer than expected. During the conference call on October 29, 2008, Ms. Krueger explained that most of the storm sewer system had been cleaned as of the prior week, except for the last 175 feet due to levels of sedimentation in Haley's Ditch. Further, it was stated that as the contaminated PCB sediments in Haley's Ditch are not scheduled to be removed until 2009, the storm sewer would likely become recontaminated if cleaned now due to the reported submerged outlet to Haley's Ditch-and therefore cannot be sampled effectively.

The Agency is concerned that the remaining contaminated solids in the storm sewer could release additional PCB contamination to Haley's Ditch. Without information to the contrary, it is logical to assume that the contaminated solids originate, at least in part, from releases emanating from the Airdock site. Until the contamination in the storm sewer has been removed, the pipe cleaned and surface water monitoring done, it will not be possible to demonstrate that VAP applicable standards have been met in accordance with OAC 3745-300-07(G). The demonstration should also account for any PCBs emanating from remediated on-site soil to support effective remediation of those areas to achieve the PCB water quality standards.


The purpose of the individual NPDES permit is twofold: to document PCBs are no longer discharging to waters of the state and to assess the effectiveness of the overall site remedy under VAP requirements. "Internal" monitoring stations will be used to demonstrate that no further contamination is leaving the Airdock property. The sampling locations near and at the outfall into Haley's Ditch will be used to determine compliance with the NPDES permit as well as demonstrate compliance with applicable VAP standards. Ohio EPA agrees on the five storm water sampling locations on the Airdock property as proposed in the Stormwater SAP. However, a sampling location at Outfall 601, located approximately 500 feet north of the property, receives storm water from both the east and west storm sewers along the Airdock and needs to be sampled to represent this combined contribution. Additionally, the final outfall to waters of the state must also be sampled to show whether PCBs have stopped emanating to waters of the state. You explained during the conference call on October 29, 2008 that the problem with this currently is that the last 175 feet of storm sewer has not yet been cleaned because of concerns regarding recontamination due to the reported submerged outlet to Haley's Ditch. The storm sewer cleaning has only been completed to just south of Triplett Boulevard. Since this is the case, a sampling location just south of Triplett Boulevard needs to be sampled now, and then once the Haley's Ditch sediment removal has been completed along with the final cleaning of this 175 feet section of storm sewer, then the actual outfall to Haley's Ditch will

need to be sampled under the NPDES permit. Phil Rhodes will work out the details of this monitoring in the NPDES permit. The data will support evaluation of compliance with surface water requirements and the evaluations necessary under OAC 3745-300-07 and 3745-300-15 to determine whether applicable surface water quality standards for PCBs have been met.

The NFA Letter will need to provide PCB monitoring and contingences including remedial responses for detections in a VAP Operation and Maintenance (O&M) Plan, since it cannot be demonstrated at this time that the applicable water quality standards have been met. Under OAC 3745-300-08(E)(2)(a), for releases to surface water, applicable standards must be determined in accordance with the water quality standards under federal law and Ohio Revised Code (ORC) Chapter 6111 and rules adopted thereunder. For discharges to surface water that are also regulated, OAC 3745-300-08(E)(2)(b) provides the regulated point source of pollutants to surface waters of the state that occur from the property must comply with all permit and other requirements of federal law, ORC Chapter 6111, and the regulations adopted under those laws. Ohio voluntary actions may supplement but not replace compliance with other applicable laws, as noted in ORC 3746.10 and OAC 3745-300-15(C).

Please feel free to contact Sue Kroeger or myself if you have any additional legal or programmatic questions. Vanessa Steigerwald-Dick or Phil Rhodes should be contacted if any technical questions arise. I look forward to continuing to work with both of you to complete the voluntary action at this unique and historical property.

Sincerely,



Amy Yersavich  
Voluntary Action Program Manager  
Division of Emergency and Remedial Response

cc: Norma Fox Horwitz, Summit County Port Authority  
David Gunnarson, Lockheed Martin  
Ohio EPA, VAP Files, DERR, CO

ec: Rod Beals, Ohio EPA, DERR, NEDO  
Steve Love, Ohio EPA, DERR, NEDO  
Bill Fischbein, Ohio EPA, Legal, CO  
Sue Kroeger, Ohio EPA, Legal, CO  
George Elmaraghy, Ohio EPA, DSW, CO  
Phil Rhodes, Ohio EPA, DSW, NEDO